

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

MAR 19 2004

LEONARD GREEN, Clerk

JOHN SAYYAH; BRENDA FRANK,

Plaintiffs-Appellants,

v.

WAYNOKA PROPERTY OWNERS
ASSOCIATION, INC., et al.,

Defendants-Appellees.

ORDER

1:01cv0459

04 MAR 22 PM 1:55

FILED
JAMES H. HARRIS
CLERK
AA

Before: KENNEDY, ROGERS, and COOK, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction.

A review of the documents before the court indicates that the magistrate judge filed a report and recommendation on October 21, 2003 recommending that the motion to recuse the district court judge be denied. By order filed December 5, 2003, the report and recommendation was adopted and the motion to recuse was denied. The appellants filed a notice of appeal on January 5, 2004 from ~~the order denying recusal of the district court judge.~~

This court lacks jurisdiction over this appeal. An order denying a motion to recuse or disqualify a district court judge is not immediately appealable. *City of Cleveland v. Krupansky*, 619 F.2d 576, 578-79 (6th Cir. 1980) (per curiam).

It is ordered that the appeal is dismissed.

ENTERED BY ORDER OF THE COURT

Leonard Green
Clerk

FILED
JAMES H. HARRIS
CLERK
AA